

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION

MICHAEL SCOTT,)
)
Plaintiff,) 3:22-CV-00091-DCLC
)
vs.)
)
KNOX COUNTY COURT OF)
COMMON PLEAS, *et al.*,)
)
Defendants.)

ORDER

This matter is before the Court to consider the Report and Recommendation of the United States Magistrate Judge [Doc. 8]. The magistrate judge recommends that Plaintiff's Application to Proceed in District Court without Prepaying Fees or Costs [Doc. 1] be granted, and that, because Plaintiff is an inmate at McMinn County Justice Center, he be assessed the civil filing fee of \$350.00 consistent with the payment provisions of 28 U.S.C. § 1915(b). The magistrate judge further recommends that Plaintiff's Complaint be dismissed in its entirety because it fails to state a claim with an arguable basis in law. Specifically, the magistrate judge found that Plaintiff cannot challenge his state court conviction using the form application for a civil rights violation pursuant to 42 U.S.C. § 1983, and that this Court lacks subject matter jurisdiction to review the state court convictions Plaintiff seeks to overturn. *See Rowls v. Weaver*, 24 F. App'x 453 (6th Cir. 2001). Plaintiff did not file objections to the Report and Recommendation.¹ *See Fed.R.Civ.P. 72(b).*

¹ Failure to file objections within the 14-day period pursuant to Rule 72(b) results in waiver of the right to appeal the Court's order. *Thomas v. Arn*, 474 U.S. 140, 153-54 (1985).

After thorough consideration of Plaintiff's motion and the Report and Recommendation, the Court hereby incorporates by reference and **ADOPTS** the Report and Recommendation [Doc. 8], because it properly analyzes the issues presented. For the reasons set out in the Report and Recommendation, it is hereby **ORDERED** that Plaintiff's Application to Proceed in District Court without Prepaying Fees or Costs [Doc. 1] is **GRANTED**. Accordingly, Plaintiff shall be **ASSESSED** the civil filing fee of \$350.00 as provided in the Report and Recommendation. Further, Plaintiff's Complaint is hereby **DISMISSED WITH PREJUDICE** for failure to state a claim upon which relief may be granted. A separate judgment will enter.

SO ORDERED:

s/Clifton L. Corker
United States District Judge